

Mayor and Council Communication

DATE: 03/23/21

M&C FILE NUMBER: M&C 21-0220

LOG NAME: 80CHISOLM TRAIL PARK PH.2 AMENDMENT NO. 1

SUBJECT

(CD 6) Authorize Execution of Amendment No.1 to the Design-Build Agreement with The Fain Group, Inc. for Chisholm Trail Park, Phase II, in the Amount of \$530,000.00, to Provide for Additional Scope of Work, for a Revised Contract Value of \$2,833,000.00, Adopt Appropriation Ordinance and Amend the FY2021-2025 Capital Improvement Program (2018 Bond Program)

RECOMMENDATION:

It is recommended that the City Council:

1. Authorize the execution of Amendment No.1 in the amount of \$530,000.00, to the Design-Build Agreement with The Fain Group, Inc., to provide for additional scope of work for Chisholm Trail Park (City Secretary Contract No. 53813) (City Project No. 101769), for a revised contract value of \$2,833,000.00;
2. Adopt the attached appropriation ordinance increasing receipts and appropriations in the amount of \$600,000.00 in the PARD Dedication Fees Fund from available funds; and
3. Amend the FY2021-2025 Capital Improvement Program.

DISCUSSION:

The purpose of this Mayor and Council Communication (M&C) is to authorize the execution of an amendment to the Design-Build contract with The Fain Group, Inc., (M&C 20-0140, March 3, 2020) to provide for additional scope of work, appropriate additional funds from available Park Dedication fees and amend the FY 2021-2025 Capital Improvement Program.

The 2018 Bond Program Proposition B: Parks and Recreation Improvements, within the category of Community Park Improvements, included \$2,500,000.00 for Chisholm Trail Park. The additional scope of work will include the design, and construction of a playground, large picnic shelter, and trail connection.

The addition of \$530,000.00 to the project cost will increase the Guaranteed Maximum Price (GMP) and will include the Design-Builder's fee. \$70,000.00 has been allocated for the City's additional construction inspection, materials testing, and project management and administration.

Project Budget	Fund	Amount
Fain Design-Build Agreement	2018 Bond Program	\$1,703,000.00
Fain Design-Build Agreement	PARD Dedication Fees	\$600,000.00
Contingency, Inspection, Material Testing, Project Administration	2018 Bond Program	\$197,000.00
Fain Design-Build Amendment & Contingencies	2018 Bond Program	\$530,000.00
Inspection, Material Testing, Project Administration	2018 Bond Program	\$70,000.00
Total		\$3,100,000.00

Contract time is 240 calendar days. Construction started in August 2020, and is scheduled to be completed by November 2021. As of January 31, 2021, the cumulative unfunded total of all previously approved M&C's increased the department's estimated annual maintenance by \$543,982.00 beginning in FY2022. Chisholm Trail Park is estimated to increase the department's annual maintenance by \$25,766.00 beginning in FY2022.

Funding for this project was included in the FY2021-2025 Capital Improvement Program in the amount of \$2,500,000.00. Additional funding in the amount of \$600,000.00 is needed due to the additional scope of work which will include the design and construction of a playground, large picnic shelter, and trail connection. The action in this M&C will amend the FY2021-2025 Capital Improvement Program as approved in connection with Ordinance 24446-09-2020.

This project is included in the 2018 Bond Program. Available resources within the General Fund will be used to provide interim financing until debt is issued. Once debt associated with the project is sold, bond proceeds will reimburse the General Fund in accordance with the statement expressing official Intent to Reimburse that was adopted as part of the ordinance canvassing the bond election (Ordinance No. 23209-05-2018)

and subsequent actions taken by the Mayor and Council.

The Fain Group has agreed to maintain the initial MBE commitment of 15% included in the original agreement and extend and maintain that same MBE commitment of 15% to this first amendment. Therefore, The Fain Group remains in compliance with the City's BDE Ordinance and attests to its commitment by its signature on the Acceptance of Previous MBE Commitment form executed by an authorized representative of its company.

Chisholm Trail Park is located in COUNCIL DISTRICT 6.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are currently available in the PARD Dedication Fees, Neighborhood Unit 1-20 and Unspecified - All Funds projects within the PARD Dedication Fees Fund, and upon approval of the above recommendations and adoption of the attached appropriation ordinance, funds will be available in the PARD Dedication Fees Fund for the Chisholm Trail Park project to support the approval of the above recommendations and the execution of the amendment to the Design-Build agreement. Prior to an expenditure being incurred, the Park & Recreation Department has the responsibility of verifying the availability of funds.

Submitted for City Manager's Office by: Valerie Washington 6192

Originating Business Unit Head: Richard Zavala 5704

Additional Information Contact: David Creek 5744

Expedited